

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

WP(C).No. 32067 of 2006(P)

PETITIONER:

N.G.VARGHESE, S/O.N.V.GEORGE,
SUPERINTENDENT (RTD), K.S.R.T.C. KOTHAMANGALAM,
NEDUMPEEDIKAYIL HOUSE, ASHRAM TOP ROAD,
KIZHAKKEKKARA, MUVATTUPPUZHA.

BY ADV. SRI.P.P.SOMAN NAIR

RESPONDENTS:

1. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
SRI.T.P.SENKUMAR, TRANSPORT BHAVAN, FORT P.O.
THIRUVANANTHAPURAM.
2. FINANCIAL ADVISOR AND CHIEF ACCOUNTS
OFFICER, KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, FORT P.O. THIRUVANANTHAPURAM.
3. THE ASSISTANT ACCOUNTS OFFICER(PENSION),
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, FORT P.O. THIRUVANANTHAPURAM.
4. THE ASSISTANT TRANSPORT OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION,
KOTHAMANGALAM.

BY SC SRI.K.PRABHAKARAN (KSRTC)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 32067 of 2006

Dated this 4th day of December, 2006

JUDGMENT

In this writ petition, an employee of the KSRTC, who retired from the service only on 31.5.2006, seeks out of turn release of his retiral benefits. Reliance is placed on Ext.P2 certificate issued by the Amrita Institute of Medical Science to show that Ms.Aswathy Babu, daughter of the petitioner, who has already undergone multiple procedures and hospitalization, for scars of face and neck resulted from burning accidents is required to undergo further procedure and that further procedure will necessitate huge financial commitments. Reliance is also placed on Ext.P3 series of documents to show that the petitioner's son Sri.Babu Ashok is also in need of funds for pursuing his engineering studies in Singapore.

Having regard to the grounds raised and the submissions of Sri.P.P.Soman Nair, the learned counsel for the petitioner and those of Sri.K.Prabhakaran, the learned Standing Counsel who has taken notice on behalf of the KSRTC, I feel that in spite of the guidelines which have been formulated on the basis of the

directions of this court's judgment in W.A. No. 289/2001, there is justification in this case for releasing payment of the DCRG which is due to the petitioner. This court in subsequent Division Bench judgment in W.A. No.1775/2004 held that in appropriate cases, out of turn release can be allowed for enabling the retired employees to meet emergent domestic purpose. This writ petition will stand disposed of with the following directions:

The respondents are directed to release all the amounts due to the petitioner by way of DCRG within six weeks of their receiving a copy of this judgment.

PIUS C.KURIAKOSE
Judge

dpk